

## Message Text

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ACTION IO-13

INFO OCT-01 AF-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04  
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01  
SP-02 SS-15 USIA-06 TRSE-00 /081 W  
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P 272341Z MAY 77

FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC PRIORITY 3805  
AMEMBASSY PRETORIA PRIORITY  
AMCONSUL CAPETOWN PRIORITY  
INFO AMEMBASSY BONN PRIORITY  
AMEMBASSY OTTAWA PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY LUSAKA  
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AMEMBASSY DAR ES SALAAM

C O N F I D E N T I A L SECTION 1 OF 3 USUN 1705

CAPETOWN FOR EMBASSY

E.O. 11652: GDS  
TAGS: PFOR, US, UN, SF, WA  
SUBJECT: WESTERN FIVE MEETING ON NAMIBIA

REF: USUN 1688

1. WESTERN FIVE MET MORNING OF MAY 27 AT CANADIAN MISSION  
TO DISCUSS CONTACT GROUP ACTIVITIES ON NAMIBIA. GROUP REWORKED  
US DRAFT AND APPROVED PAPER ENTITLED "SUBSTANTIVE PREPARATIONS  
FOR FURTHER CAPE TOWN TALKS" FOR SUBMISSION TO CAPITALS.

2. FIVE DELIBERATELY LEFT TWO GAPS IN THE PAPER. FIRST GAP  
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IS IN PART A, "THE NATURE OF TRANSITIONAL ADMINISTRATIVE  
ARRANGEMENTS," FINAL PARA ON "ILLUSTRATIVE PROPOSALS".  
GROUP DECIDED TO REQUEST, BY COB WEDNESDAY, JUNE 1, VIEWS  
AND IDEAS OF CAPITALS AND CAPE TOWN EMBASSIES ON ILLUSTRATIVE  
TRANSITIONAL ARRANGEMENTS IN THE EVENT THAT SAG PROPOSAL IS  
UNACCEPTABLE. US (AMB MCHENRY) STRESSED THAT ALTERNATIVES  
SHOULD BE FORMULATED IN WAYS THAT WILL TAKE INTO CONSIDERATION

BOTH THE CONCERNS OF THE CG AND THE PROBLEMS OF VORSTER;  
I.E., SOMETHING THAT OFFERS VORSTER FACE-SAVING DEVICE FOR  
HIS COMMITMENTS TO TURNHALLE GROUP. FIVE WILL DISCUSS  
IDEAS ON THURSDAY, JUNE 2.

3. ALSO ON PART C, NUMBER (3), THE RANGE OF UN ACTIVITIES  
WILL BE DISCUSSED IN WESTERN FIVE MEETINGS NEXT WEEK.  
FOR THE DEPT: WE INFORMED GROUP THAT USG HAD ENGAGED A  
CONSULTANT TO EXPLORE ALTERNATIVE MEANS OF UN INVOLVEMENT.  
GROUP WAS MOST APPRECIATIVE AND ASKED IF IT WOULD BE POSSIBLE  
TO MEET WITH CONSULTANT TUESDAY, MAY 31 AT 11:00 A.M.  
PLEASE CONFIRM IF THIS IS POSSIBLE.

4. TEXT OF PAPER FOLLOWS:

SUBSTANTIVE PREPARATIONS FOR FURTHER CAPE TOWN TALKS

BASED UPON THE CAPE TOWN TALKS WITH SOUTH AFRICA,  
DISCUSSIONS WITH VARIOUS NAMIBIAN POLITICAL GROUPS, INCLUDING  
SWAPO, AND DISCUSSIONS WITH VARIOUS AFRICAN STATES CONCERNED,  
THE FOLLOWING APPEAR TO BE THE MAJOR POINTS FOR DISCUSSION  
AT THE NEXT ROUND OF TALKS IN CAPE TOWN:

A. THE NATURE OF TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS  
B. THE RELEASE OF NAMIBIA'S POLITICAL PRISONERS  
C. THE NATURE OF UN INVOLVEMENT  
D. PHASES OF POLITICAL PROCESS, WITHDRAWAL AND TIMETABLE  
E. REPEAL OF DISCRIMINATORY LAWS AND REGULATIONS  
F. VENUE AND TIMING OF FURTHER TALKS  
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A. THE NATURE OF TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS

IN HIS DISCUSSIONS WITH MR. MONDALE, PRIME MINISTER  
VORSTER STRONGLY SUGGESTED THAT THE "CENTRAL ADMINISTRATIVE  
AUTHORITY" WOULD BE VERY MUCH LIKE THE COUNCIL OF MINISTERS  
CONCEPT OF THE TURNHALLE CONSTITUTION. MR. MONDALE REPEATED  
THE CAUTION WHICH THE CONTACT GROUP HAD EXPRESSED IN CAPE TOWN,  
THAT THE "ADMINISTRATIVE AUTHORITY" SHOULD NOT BE TURNHALLE  
BY ANOTHER NAME. MR. VORSTER SAID THAT HE WILL BE PREPARED  
TO DESCRIBE THE "ADMINISTRATIVE AUTHORITY IN DETAIL WHEN THE  
CONTACT GROUP MEETS WITH HIM NEXT IN CAPE TOWN.

PENDING A FULL EXPOSITION BY SOUTH AFRICA OF ITS  
IDEAS ON AN "ADMINISTRATIVE AUTHORITY", IT WOULD BE PREMATURE  
FOR THE CONTACT GROUP TO DEVELOP A DEFINITIVE VIEW OR AN  
ALTERNATIVE PROPOSAL. THE CONTACT GROUP MUST REITERATE THAT ITS  
REACTIONS WILL BE GUIDED BY THE NEED TO DEVELOP AN INTERNA-  
TIONALLY ACCEPTABLE SOLUTION TO THE NAMIBIA PROBLEM,

CONSISTENT WITH RESOLUTION 385. THUS, IT IS CLEAR THAT ANY  
TRANSITIONAL ADMINISTRATIVE ARRANGEMENT FOR NAMIBIA:

--SHOULD NOT PREJUDICE OF APPEAR TO PREJUDICE THE OUTCOME  
OF THE POLITICAL PROCESS, IN PARTICULAR IT SHOULD NOT BE  
BASED EXCLUSIVELY ON ETHNIC CONSIDERATIONS.

--IT SHOULD BE DIRECTED TOWARD A POLITICAL PROCESS WHICH WILL  
BRING ABOUT ELECTIONS FOR A CONSTITUENT ASSEMBLY TO  
BE FOLLOWED BY THE ADOPTION OF A CONSTITUTION AND INDEPENDENCE.

--IT SHOULD BE AUTHORIZED AND DIRECTED TO TAKE THE  
VARIOUS MEASURES WHICH THE CONTACT GROUP HOLD TO BE NECESSARY  
FOR A SOLUTION CONSISTENT WITH RESOLUTION 385, SUCH AS THE  
RELEASE OF POLITICAL PRISONERS, THE FOSTERING OF FREE ELECTIONS,  
AND THE REPEAL OF DISCRIMINATORY LAWS AND REGULATIONS.

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--IT SHOULD BE COMPATIBLE WITH UNITED NATIONS INVOLVEMENT  
IN THE POLITICAL PROCESS DESCRIBED ABOVE AND WITH THE  
IMPLEMENTATION OF RESOLUTION 385.

--THE ULTIMATE RESPONSIBILITY MUST REMAIN WITH SOUTH  
AFRICA.

WHILE IT MAY BE PREMATURE AT THE START OF THE RESUMED  
CAPE TOWN TALKS FOR THE CONTACT GROUP TO PUT FORWARD  
ITS OWN ILLUSTRATIVE PROPOSALS, THE FOLLOWING OPTIONAL  
APPROACHES COULD BE CONSIDERED AS ALTERNATIVES:  
(TO BE FILLED IN NEXT WEEK)

#### B. THE RELEASE OF NAMIBIA'S POLITICAL PRISONERS

VORSTER TOLD VICE PRESIDENT MONDALE THAT HE WILL  
BE PREPARED TO PROVIDE ADDITIONAL VIEWS ON POLITICAL PRISONERS.  
IN THIS CONNECTION, HE HAS SUGGESTED TWO ADDITIONAL ASPECTS  
OF HIS POSITION:

--SOUTH AFRICA MAY LINK ITS RELEASE OF POLITICAL  
PRISONERS TO THE RELEASE BY TANZANIA AND ZAMBIA OF NAMIBIAN  
POLITICAL PRISONERS;

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SP-02 SS-15 USIA-06 TRSE-00 /081 W  
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P 272341Z MAY 77

FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC PRIORITY 3806  
AMEMBASSY PRETORIA PRIORITY  
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C O N F I D E N T I A L SECTION 2 OF 3 USUN 1705

CAPETOWN FOR EMBASSY

--SOUTH AFRICA WOULD CONSIDER FAVORABLY THE FIVE POWER  
SUGGESTION THAT IN THE CASE OF DISPUTES AN INTERNATIONAL  
COMMISSION OF JURISTS APPOINTED BY THE SECRETARY-GENERAL  
DECIDE ON WHO IS A POLITICAL PRISONER.

IN COMMENTING ON SOUTH AFRICA'S FURTHER VIEW, THE CONTACT  
GROUP SHOULD REITERATE ITS POSITION THAT ALL POLITICAL  
PRISONERS SHOULD BE RELEASED. THEY CANNOT ACCEPT THAT  
SIMPLY BECAUSE A PERSON HAS BEEN CONVICTED ON CRIMINAL CHARGES,  
HE OR SHE IS NOT TO BE REGARDED AS A POLITICAL PRISONER.  
THEY SHOULD GO ON TO STATE THAT AS FAR AS THE CONTACT  
GROUP IS CONCERNED, NAMIBIA'S POLITICAL PRISONERS SHOULD  
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BE RELEASED WHETHER HELD BY SOUTH AFRICA, TANZANIA OR  
ZAMBIA, AND THEY WILL MAKE THEIR POSITION CLEAR AT AN  
APPROPRIATE TIME. HOWEVER, THE CONTACT GROUP SHOULD REJECT  
ANY LINKAGE BETWEEN SOUTH AFRICA'S ACTION ON POLITICAL  
PRISONERS AND ACTION BY ZAMBIA AND TANZANIA.

C. THE NATURE OF UN INVOLVEMENT

IN THE CAPE TOWN TALKS, SOUTH AFRICA WAS AGREEABLE TO A UN ROLE IN NAMIBIA WHICH CALLED FOR THE UN BEING FULLY SATISFIED WITH DEVELOPMENTS AT EACH STAGE OF THE POLITICAL PROCESS. THE VARIOUS AFRICAN PARTIES WITH WHICH THE CONTACT GROUP DISCUSSED THE RESULTS OF THE CAPE TOWN TALKS EMPHASIZED THE IMPORTANCE THEY ATTACH TO THE UN ROLE, WITHOUT ELABORATING ON ITS NATURE. IN EFFORTS TO ELABORATE ON THE NATURE OF THE UN ROLE, WE CAN EXPECT THE SOUTH AFRICANS TO AIM FOR A MINIMALIST INTERPRETATION FALLING FAR SHORT OF THE "SUPERVISION AND CONTROL" CALLED FOR BY RESOLUTION 385. IN CONTRAST, THE AFRICANS WILL LOOK FOR A MAJOR UN ROLE.

THE ROLE OF THE UNITED NATIONS, FOR PURPOSES OF THE RESUMED CAPE TOWN TALKS, SHOULD BE CONSIDERED UNDER THREE DIFFERENT ASPECTS:

(1) THE ROLE OF THE UNITED NATIONS IN THE NEGOTIATIONS ON NAMIBIA. BY BRIEFING THE SECRETARY-GENERAL, WITH THE PRIOR KNOWLEDGE OF SOUTH AFRICA, THE UN IN A SENSE IS ALREADY ENGAGED IN THE NEGOTIATING PROCESS. THE UN ROLE WAS FURTHER STRESSED FIRST BY BRIEFING THE SECRETARY-GENERAL AND THE PRESIDENT OF THE COUNCIL FOR NAMIBIA IN GENERAL TERMS IN ADVANCE OF RESUMED CAPE TOWN TALKS.

(2) THE NATURE OF UN INVOLVEMENT IN THE TRANSITIONAL PERIOD AND IN THE ELECTORAL PROCESS. SOUTH AFRICA WILL SEEK TO MAKE THE UN'S ROLE A PASSIVE ONE. THE CONTACT GROUP SHOULD INSIST THAT THE UN'S ROLE SHOULD AMOUNT TO "SUPERVISION  
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AND CONTROL" OF THE ELECTORAL PROCESS REGARDLESS OF THE PRECISE WORDS USED TO DESCRIBE THAT ROLE.

IN THIS CONNECTION, SOUTH AFRICA UNDOUBTEDLY WILL WANT TO DISCUSS IN GREATER DETAIL THE COMPOSITION AND AUTHORITY OF A COMMISSION OF JURISTS. THE CONTACT GROUP SHOULD PROPOSE A FIVE MEMBER COMMISSION APPOINTED BY THE SECRETARY-GENERAL. TWO OF THE MEMBERS COULD BE SOUTH AFRICANS. THE PRESIDENT WHO WOULD BE DESIGNATED BY THE SECRETARY-GENERAL. DECISIONS WOULD BE TAKEN BY MAJORITY AND THE PRESIDENT WOULD HAVE A CASTING VOTE. THE COMMISSION SHOULD BE AUTONOMOUS AND EMPOWERED TO TAKE FINAL DECISIONS.

(3) THE RANGE OF UN ACTIVITIES. THIS WILL BE RELATED TO THE PHASES OF SOUTH AFRICAN WITHDRAWAL FROM NAMIBIA. THUS, UN ACTIVITIES CAN RANGE FROM: (TO BE FILLED IN LATER)

D. PHASES OF POLITICAL PROCESS. WITHDRAWAL AND TIMETABLE

IN THE TALKS WITH VICE PRESIDENT MONDALE, VORSTER SEEMED TO BE UNDER THE IMPRESSION THAT SOUTH AFRICA'S WITHDRAWAL NEED NOT BEGIN UNTIL AFTER NAMIBIAN INDEPENDENCE. IN CAPE TOWN, THE CONTACT GROUP SHOULD MAKE CLEAR THAT WITHDRAWAL SHOULD BE COMPLETED BY THE TIME OF INDEPENDENCE BUT THAT IN ANY EVENT THE QUESTION OF WITHDRAWAL, AND ITS PHASES, ARE MATTERS TO BE DETERMINED. IN CONSULTATION WITH THOSE MAINLY INVOLVED, THE SOUTH AFRICAN GOVERNMENT WOULD DEVELOP A PLAN FOR ITS WITHDRAWAL IN STAGES FROM NAMIBIA TO PREPARE A SMOOTH TRANSITION OF POWER--THE WITHDRAWAL TO BE COMPLETED BY THE END OF THE POLITICAL PROCESS. THE CONTACT GROUP SHOULD PRESS THE SOUTH AFRICAN GOVERNMENT FOR ITS VIEWS ON SUCH A PLAN AND SHOULD STRESS THE IMPORTANCE THEY ATTACH TO WITHDRAWAL BEGINNING AT THE OUTSET OF THE POLITICAL PROCESS AND BEING PHASED IN WITH THAT PROCESS.

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P 272341Z MAY 77

FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC PRIORITY 3807  
AMEMBASSY PRETORIA PRIORITY  
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C O N F I D E N T I A L SECTION 3 OF 3 USUN 1705

CAPETOWN FOR EMBASSY

THE MAJOR STAGES IN THIS PROCESS WOULD BE:

(1) THE ESTABLISHMENT OF A TRANSITIONAL ADMINISTRATIVE

ARRANGEMENT

- (2) THE PRE-ELECTION PERIOD - OF THREE TO SIX MONTHS
- (3) ELECTIONS TO A CONSTITUENT ASSEMBLY - WITHIN ONE YEAR
- (4) THE APPROVAL BY A CONSTITUENT ASSEMBLY OF A CONSTITUTION
- (5) ESTABLISHMENT OF A NAMIBIAN GOVERNMENT UNDER THE CONSTITUTION
- (6) INDEPENDENCE - BY THE END OF 1978.

E. REPEAL OF DISCRIMINATORY LAWS AND REGULATIONS  
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IN CAPE TOWN, SOUTH AFRICA ASKED THE CONTACT GROUP TO PRESENT ITS VIEWS ON THE KINDS OF DISCRIMINATORY LAWS AND REGULATIONS WHICH SHOULD BE REPEALED UNDER 385. GIVEN THE DIFFICULTY OF DETERMINING WITH PRECISION THE APPLICABLE NAMIBIAN LAWS AND REGULATIONS, AND IN LIGHT OF THE COMPLEX RELATIONSHIP BETWEEN NAMIBIAN AND SOUTH AFRICAN LAWS AND REGULATIONS, IT WOULD PROBABLY BE A MISTAKE FOR THE CONTACT GROUP TO PRESENT TO SOUTH AFRICA A LIST OF DISCRIMINATORY RULES WHICH SOUTH AFRICA CAN THEN INTERPRET AS BEING DEFINITIVE. INSTEAD, THE CONTACT GROUP SHOULD TAKE THE POSITION THAT ANY TRANSITIONAL AUTHORITY SHOULD BE AUTHORIZED TO IDENTIFY AND REPEAL DISCRIMINATORY LAWS AND REGULATIONS. A MORE DETAILED STUDY OF THIS PROBLEM IS ATTACHED, TOGETHER WITH A LIST OF LAWS AND REGULATIONS WHICH MIGHT BE AFFECTED BY REPEAL, AND ILLUSTRATIVE LEGISLATION DIRECTED TOWARDS REPEAL.

F. VENUE AND TIMING OF FURTHER TALKS

IF SOUTH AFRICA IS INDEED DETERMINED TO ALLOW NAMIBIA TO ACHIEVE INDEPENDENCE IN A FASHION ACCEPTABLE TO THE INTERNATIONAL COMMUNITY, THEN A PRECESS OF NEGOTIATION MUST BE DEVELOPED WHICH WILL FACILITATE ACCESS BY THE CONTACT GROUP TO THE VIEWS OF ALL THE PARTIES. AT THE CLOSE OF THE NEXT ROUND OF TALKS IN CAPE TOWN, ACCORDINGLY, THE CONTACT GROUP SHOULD RAISE WITH SOUTH AFRICA THE QUESTION OF VENUE FOR FUTURE TALKS.  
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